

Merchant & Gould

An Intellectual Property Law Firm

**RECEIVED
CENTRAL FAX CENTER**

MAY 26 2005

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA
TEL 612.332.5300
FAX 612.332.9081
www.merchant-
gould.com

A Professional Corporation

Fax Transmission | May 26, 2005

TO: Commissioner for Patents
Attn: Brenda Webb
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Alan Gorman

OUR REF: 13569.0018US01
TELEPHONE: 404-954-5045

Total pages, including cover letter: 21

PTO FAX NUMBER 1-703-872-9306

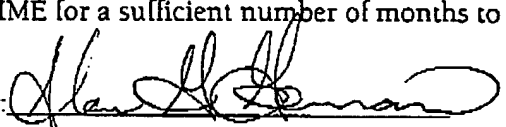
If you do NOT receive all of the pages, please telephone us at 612., or fax us at 612.332.9081.

Title of Document Transmitted:

Submission of Copy of Amendment filed March 31, 2005 with stamped Return Receipt
for the accompaniment of the RCE filed April 28, 2005 and copy of Notice of
Improper Request for RCE

Applicant: Yinghong Yu
Serial No.: 10/005,092
Filed: December 5, 2001
Group Art Unit: 3762
Our Ref. No.: 13569.0018US01
Confirmation No. 8563

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 
Name: Alan G. Gorman
Reg. No.: 38,472

GEN033.DOT



APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4-28-05 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☒ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Brenda Webb Examining Group 3762
(571) 272 4399
FORM PTO-2051 (Rev. 3/2001)

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Yu et al.
For: Cardiac Resynchronization System Employing Mechanical Measurement
of Cardiac Walls
Docket No.: 13569.0018US01
Serial No.: 10/055,092
Filed: December 5, 2001
Date Mailed: March 31, 2005

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment
- ☒ Return postcard

Patent
ACG / ATLANTA

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Yu et al.
For: Cardiac Resynchronization System Employing Mechanical Measurement
of Cardiac Walls
Docket No.: 13569.0018US01
Serial No.: 10/055,092
Filed: December 5, 2001
Date Mailed: March 31, 2005

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment
- ☒ Return postcard

Patent
ACG / ATLANTA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER**

Applicant: Yu et al. Examiner: Schaetzle, Kennedy MAY 26 2005
Serial No.: 10/055,092 Group Art Unit: 3762
Filed: December 5, 2001 Docket: 13569.0018US01
Title: Cardiac Resynchronization System Employing Mechanical Measurement of Cardiac Walls

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 March 31, 2005.

By: 

Name: Alan G. Gorman

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Amendment
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5100

By: 

Name: Alan G. Gorman

Reg. No.: 38,472

AGG

(PTO TRANSMITTAL - GENERAL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yu et al. Examiner: Schaetzle, Kennedy
Serial No.: 10/055,092 Group Art Unit: 3762
Filed: December 5, 2001 Docket: 13569.0018US01
Title: Cardiac Resynchronization System Employing Mechanical Measurement of Cardiac Walls

RECEIVED
CENTRAL FAX CENTER

MAY 26 2005

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 March 31, 2005.

By: 
Name: Alan G. Gorman

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

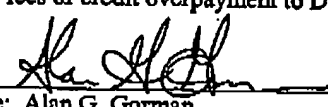
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
☒ Amendment
☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5100

By: 
Name: Alan G. Gorman
Reg. No.: 38,472
AGG

(PTO TRANSMITTAL - GENERAL)